

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

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DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

DAVITA M. KEY,

Plaintiff,

v.

2:19-cv-767-ECM-SMD

HYUNDAI MOTOR MANUFACTURING ALABAMA, LLC)

HYUNDAI ENGINEERING AMERICA, INC.)

and DYNAMIC SECURITY, INC.)

Defendants.

COMPLAINT AND JURY DEMAND

NOW COMES the Plaintiff DAVITA M. KEY and for her complaint against Defendants HYUNDAI MOTOR MANUFACTURING, HYUNDAI ENGINEERING AMERICA, INC. and DYNAMIC SECURITY, INC. she states as follows:

JURISDICTION AND PARTIES

1. This lawsuit for failure to hire, wrongful termination, discrimination and retaliation is brought pursuant Title VII of the Civil Rights Act of 1964, as amended, (42 U.S.C. §§ 2000e to 2000e-17), and the United States **Pregnancy Discrimination Act (PDA)** of 1978 (Pub.L. 95-555) a United States federal statute which amended Title VII of the Civil Rights Act of 1964 to "prohibit sex **discrimination** "on the basis of **pregnancy**, childbirth, or related medical conditions." This lawsuit is also for wrongful termination based upon retaliation for engaging in protected activity.

2. This court has jurisdiction pursuant to 28 USC 1331, and 1343(4).

3. Plaintiff filed a charge of employment discrimination with the Equal Employment Opportunity Commission (EEOC) within 180 days of the commission of the unlawful employment practice alleged in this claim.

4. Plaintiff received notification of the right-to-sue letter from the EEOC on or about July 15, 2019 and has filed this complaint within 90 days of receiving the EEOC's notice of the right to sue.

5. Plaintiff Davita M. Key is a citizen of the United States and the State of Alabama and at all times relevant hereto resided in the City of Montgomery, County of Montgomery, State of Alabama and at all times relevant hereto was employed as a mailroom clerk for Defendant Hyundai Motor Manufacturing Alabama.

6. Defendant Hyundai Motor Manufacturing Alabama, LLC is an employer, as that term is defined under Title VII of the Civil Rights Act, and at all times relevant hereto was located at and/or conducted business at 700 Hyundai Blvd, Montgomery, Alabama 36105.

7. Defendant Hyundai Engineering America, Inc. is an employer, as that term is defined under Title VII of the Civil Rights Act, and at all times relevant hereto was located at and/or conducted business at 2 North Jackson Street, Suite 605 Montgomery, AL 36104.

8. Defendant DYNAMIC SECURITY, INC. is an employer, as that term is defined under Title VII of the Civil Rights Act, and at all times relevant hereto was located at and/or conducted business at 1102 Woodward Ave., Muscle Shoals, AL 35661.

9. All of the events complained of herein occurred 700 Hyundai Blvd, Montgomery, AL 36105, within the City of Montgomery, State of Alabama and arise out of the discrimination, retaliation and wrongful termination of Plaintiff Davita M. Key.

10. The instant action is for Race and Gender discrimination in violation of Title VII of the 1964 Civil Rights Act, Retaliation, and Violation of the Federal Pregnancy Discrimination Statute and Retaliatory Discharge.

11. The amount in controversy exceeds Seventy-Five Thousand (\$75,000.00) Dollars, excluding interest and costs.

INTRODUCTION

12. Plaintiff was hired by Hyundai Motor Manufacturing Alabama as a mail clerk through Dynamic Security as a mail clerk.

13. Plaintiff has been treated differently than her white and male co-workers by having conditions and requirements imposed on her which prohibit her from wearing her natural hair.

14. Plaintiff presented Ms. Gloria Robinson and Mr. Maurice Chambliss, supervisors at Hyundai Motor Manufacturing Alabama with a doctor's note stating that she was 14 weeks pregnant.

15. Plaintiff informed both Ms. Robinson and Mr. Chambliss that her doctor stated that she had no work restrictions.

16. Subsequently Plaintiff was asked by her supervisors why her hair was styled in the manner it was, which was a natural hairstyle.

17. Plaintiff stated that she was told anything at her job orientation that her

hairstyle was inappropriate.

18. After that conversation, Plaintiff met with her trainer and started working for that day.

19. After about 45 minutes, Plaintiff was called into her supervisor's office and was told that her hairstyle was in violation of a policy of Defendant Hyundai Motor Manufacturing Alabama policy.

20. Plaintiff asked to see the policy and the supervisor refused to show it to her.

21. Plaintiff was subsequently told that she would have to wear a hat that completely covered her head.

22. About five minutes later, Plaintiff received a phone call from her supervisor about her specific due date and whether her doctor knew of her job duties.

23. Plaintiff assured her supervisor that her doctor was aware and cleared her of any work restrictions and that her due date was January 2018.

24. Plaintiff was discharged after that conversation.

25. Plaintiff was later told by a HR representative for Hyundai Motor Manufacturing Alabama and Dynamic Security, Hyundai did not want her back at their work site do to her hair and something else.

26. Plaintiff requested to see policies and procedures regarding pregnancy and hair, however they were all refused.

27. Plaintiff further requested to file a complaint about her treatment but it was refused.

28. As a result of Plaintiff exercising legal rights she was retaliated against, unfairly disciplined and subjected to wrongful discharge.

COUNT I
VIOLATION OF TITLE VII CIVIL RIGHTS ACT as Amended
(42 U.S.C. §§ 2000e to 2000e-17)

29. Plaintiff realleges each and every preceding paragraph set forth above.

30. As a result of Plaintiff exercising legal rights she was retaliated against and unfairly disciplined and subjected to further harassment, disciplinary and discriminatory treatment.

31. As a direct and proximate result of Defendants unlawful conduct, Plaintiff has suffered lost wages, benefits, and loss of employment opportunities.

32. As a direct and proximate result of Defendants wrongful acts, Plaintiff has sustained loss of earnings, earning capacity, and fringe benefits and has suffered mental anguish, physical and emotional distress, humiliation and embarrassment, and loss of professional reputation.

COUNT II
VIOLATION OF PREGNANCY DISCRIMINATION ACT

33. Plaintiff realleges each and every preceding paragraph set forth above.

34. Plaintiff's medical doctor provided notification that released Plaintiff to work with no restrictions and Plaintiff provided that to Defendant, Hyundai Motor Manufacturing Alabama.

35. In addition, Defendants failure to make reasonable accommodations to Plaintiff has caused and continues to cause Plaintiff to suffer substantial injuries for

pecuniary losses, mental anguish, loss of enjoyment of life, and other nonpecuniary losses.

36. After Plaintiff told Defendant, Hyundai Motor Manufacturing Alabama that her due date was January 2018, she was terminated.

37. Plaintiff was terminated in violation of the Pregnancy Discrimination Act.

38. As a direct and proximate result of Defendants wrongful acts, Plaintiff has sustained loss of earnings, earning capacity, and fringe benefits and has suffered mental anguish, physical and emotional distress, humiliation and embarrassment, and loss of professional reputation.

COUNT III
RETALIATION

39. Plaintiff requested to see Defendant Hyundai Motor Manufacturing Alabama employment policies prohibiting her from working while pregnant and policies prohibiting her from wearing her hair natural and her request to see these policies were denied.

40. As a result of Plaintiff exercising legal rights she was retaliated against, unfairly disciplined, and subjected to wrongful termination.

41. As a direct and proximate result of Defendants unlawful conduct, Plaintiff has suffered loss wages, benefits and loss employment opportunities

WHEREFORE, Plaintiff respectfully requests an award of damages that will be appropriate compensation for all of his damages and losses, consequential and exemplary damages, punitive damages, attorney fees and expenses, costs and interest, all resulting from Defendants discriminatory and wrongful actions.

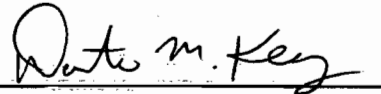
DEMAND FOR RELIEF

Plaintiff hereby demands judgment and all other relief prayed for above and against the Defendants, along with costs, interest, attorney fees, and other relief which this Court deems just.

DEMAND FOR JURY TRIAL

NOW COMES the Plaintiff and hereby demands a trial by jury on all issues so triable.

By: /s/DAVITA M. KEY



DAVITA M. KEY

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Dated: October 10, 2019